

Prior law provided for the crime of access device fraud. Defined an "access device" as any card, plate, code, account number, or other means of accessing an account which could be used to obtain something of value.

New law changes prior law definition of "access device" to the following: a person's social security number, driver's license number, birth date, mother's maiden name, checking account numbers, savings account numbers, personal identification numbers, electronic identification numbers, digital signatures, or other means of accessing accounts used to obtain something of value.

Prior law provided that any person convicted of access device fraud shall be fined up to \$2,000, imprisoned with or without hard labor, for up to two years, or both.

New law changes prior law penalties for commission of the crime of access device fraud to the following:

- (1) If the misappropriation or taking is \$500 or more, imprisonment, with or without hard labor, for up to 10 years, a fine of up to \$3,000, or both.
- (2) If the misappropriation or taking is between \$100 and \$500, imprisonment, with or without hard labor, for up to two years, a fine of up to \$2,000, or both.
- (3) If the misappropriation or taking is less than \$100, imprisonment, with or without hard labor, for up to six months, a fine of up to \$500 or both. Additionally, if the offender has previously been convicted of any grade offense of access device fraud two or more times, new law provides for imprisonment, with or without hard labor, for up to two years, a fine of up to \$1,000, or both.

Prior law provided that the court, at its discretion, may order restitution to the victim as part of the sentence imposed on persons convicted of access device fraud.

New law changes prior law to remove the court's discretion and make such restitution mandatory. Further provides that restitution may include any cost incurred by the victim, such as attorney fees, costs associated in clearing the credit history or credit rating of the victim, or costs incurred in connection with civil or administrative proceedings to satisfy any debt, lien, or other obligation of the victim arising out of the defendant's actions.

New law further provides that when the misappropriation or taking includes a number of distinct acts by the offender, the aggregate amount of the taking determines the grade of the offense, even if such acts do not involve the same victim.

Effective upon signature of governor (July 9, 1999).

(Amends R.S. 14:70.4(D)(1), (E), and (F); Adds R.S. 14:70.4(G))